

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JORGE CRUZ,

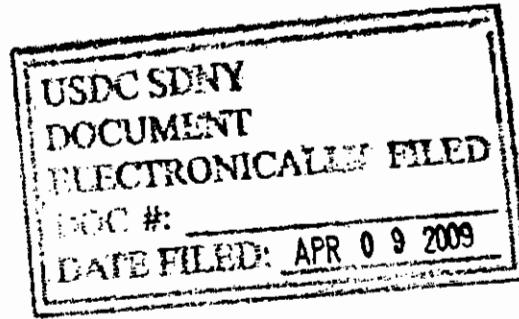
Plaintiff,

-v-

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

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No. 06 Civ. 3670 (LTS)(DCF)

ORDER

Pro se Plaintiff Jorge Cruz ("Plaintiff"), who contends he is disabled due to a variety of medical conditions, filed a Complaint seeking review of a final determination of the Defendant, the Commissioner of Social Security ("Defendant"), denying Plaintiff disability insurance benefits and Supplemental Security Income under the Social Security Act ("Act") on the ground that Plaintiff's impairments do not constitute a disability for the purposes of the Act. On October 31, 2008, Magistrate Judge Debra Freeman issued a Report and Recommendation (the "Report"), recommending that Defendant's Motion for Judgment on the Pleadings pursuant to Federal Rule of Civil Procedure 12(c) be affirmed. Plaintiff has not filed any objections to the Report.

The Report contains a comprehensive summary of the record below and familiarity with that summary is assumed.

The Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C.A § 636(b)(1) (West 2006). The Court is required to make a de novo determination as to the aspects of the Report to which

objections are made. United States v. Male Juvenile, 121 F.3d 34, 38 (2d Cir. 1997). However, where the complaining party makes no timely objections to the Report, the Court will review the Report strictly for clear error. See Johnson v. New York University School of Education, No. 00 Civ. 8117, 2003 WL 21433443 at *1 (S.D.N.Y. Jun. 16, 2003).

Neither party has filed any objections to the Report. Therefore, the Court applies the clear error standard of review.

The Court has reviewed thoroughly Judge Freeman's comprehensive and well-reasoned Report and finds no clear error. Although Plaintiff did not respond to Defendant's motion and did not cross-move, Judge Freeman thoroughly reviewed all the relevant facts and made a recommendation on the merits in light of the fact that Plaintiff is proceeding pro se. See DeChirico v. Callahan, 134 F.3d 1177, 1183 (2d Cir. 1998). Accordingly, the Court adopts Judge Freeman's Report in its entirety. For the reasons stated in the Report, Defendant's motion is granted, Plaintiff's Complaint is dismissed, and the Clerk of Court is respectfully requested to enter judgment in favor of Defendant and terminate this case. This Order resolves Docket Entry No. 10.

SO ORDERED.

Dated: New York, New York
April 9, 2009



Laura Taylor Swain
United States District Judge